

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CLAYTON T. JOHNSON, by his next friend, ANDREW J.  
FRISCH,

Case No.: 20-CV-5913 (ALC)(SDA)

Plaintiff,

~~PROPOSED~~ ORDER  
OF COMPROMISE

– against –

PETER WACHTEL, D.O., ADAM LITROFF, D.O., EDNA  
KATZ, M.D., ASLAM KADRI, M.D., CITY OF NEW YORK,  
NEW YORK CITY HEALTH AND HOSPITALS  
CORPORATION, and JOHN AND JANE DOE MEDICAL  
PROVIDERS 1-10,

Defendants.

WHEREAS, Clayton Johnson commenced this action by filing a complaint on or about July 29, 2020, alleging that the defendants violated his federal civil rights and state common law rights; and

WHEREAS, on August 4, 2022, Andrew J. Frisch was appointed as Mr. Johnson's next friend upon a determination by the Court that Mr. Johnson's mental health condition impeded his ability to protect his own interests in the proceeding; and

WHEREAS, on November 29, 2022, counsel filed a Second Amended Complaint, which amended the caption to identify the Plaintiff as "Clayton T. Johnson, by his next friend, Andrew J. Frisch"; and

WHEREAS, the parties have agreed to the terms in the Stipulation of Dismissal with Prejudice, Stipulation of Settlement, Release, and Affidavits of Status of Liens (collectively, the "Settlement Documents"), which fully and finally settle and release all of the claims asserted in this action in consideration for a total settlement payment of \$999,999.00; and

WHEREAS, pursuant to Local Rule 83.2(a), Plaintiff has requested that this Court approve this proposed settlement as fair and reasonable and also approve the form of the proposed Settlement Documents, Plaintiff's counsel's attorney's fees and disbursements, and the plan for disbursement of the net settlement proceeds; and

WHEREAS, the Court has reviewed Plaintiff's submission, including the Declarations of Andrew J. Frisch and Alexander Goldenberg;

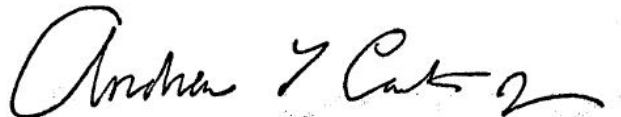
**NOW, THEREFORE, IT IS HEREBY ORDERED** that:

1. The total settlement amount of nine hundred ninety-nine thousand and nine hundred ninety-nine dollars (\$999,999.00), inclusive of all costs, disbursements, and attorney's fees (the "Settlement Amount"), is hereby approved as just, fair, and reasonable.
2. The proposed Settlement Documents that are appended as Exhibit A to the Declaration of Alexander Goldenberg dated December 12, 2022 are hereby approved as fair and reasonable.
3. No later than ninety (90) days from the date the Settlement Documents are received, Defendant City of New York shall deliver to Plaintiff's counsel a check in the amount of \$999,999.00 made payable to the "The Jacob D. Fuchsberg Law Firm, LLP as attorneys for Clayton Johnson."
4. The Settlement Amount shall be deposited into an escrow account controlled by The Jacob D. Fuchsberg Law Firm, LLP and shall be distributed as follows:
  - a. Plaintiff's counsel's disbursements of \$2,815.03 are hereby approved as fair and reasonable, and Plaintiff's counsel shall be reimbursed for such amount out of the Settlement Amount promptly after the Settlement Amount is received.

- b. Plaintiff's counsel's attorney's fees of \$332,394.66 are hereby approved as fair and reasonable, and Plaintiff's counsel shall be reimbursed for such amount out of the Settlement Amount promptly after the Settlement Amount is received.
  - c. The fee of \$2,950.00 owed to Robert Legal Group for legal services related to establishing a Special Needs Trust for Plaintiff are hereby approved as fair and reasonable, and Robert Legal Group shall be reimbursed for such amount out of the Settlement Amount promptly after the Settlement Amount is received.
  - d. The proposed disbursement of \$661,839.31 to Clayton Johnson is hereby approved as fair and reasonable; provided, however, that such amount shall be deposited into a pooled Special Needs Trust maintained by CLC Foundation for the benefit of Clayton Johnson.
5. Promptly after this Order is entered on the docket, the parties shall execute the Settlement Documents.

IT IS SO ORDERED.

Dated: February 1, 2023

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", is written over a horizontal line.

HON. ANDREW L. CARTER, JR.  
United States District Judge